

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

ALFONSO CIOFFI, et al.,

v.

GOOGLE, INC.,

§
§
§
§
§


Case No. 2:13-CV-00103-JRG-RSP

ORDER

Before the Court is the Report and Recommendation filed by Magistrate Judge Payne (Dkt. No. 212) recommending denial of Defendant Google's Motion for Summary Judgment of Invalidity under 35 U.S.C. § 251 and Non-Infringement (Dkt. No. 148). Also before the Court is the Report and Recommendation filed by Judge Payne (Dkt. No. 208) recommending denial of Google's Motion for Summary Judgment of Subject-Matter Ineligibility under 35 U.S.C. § 101 (Dkt. No. 149). Having considered the Objections filed by Google (Dkt. Nos. 221, 222) and finding them to be without sufficient merit, the Recommendations are adopted. Google's Motions for Summary Judgment (Dkt. Nos. 148, 149) are **DENIED**.

Also before the Court are Google's objections (Dkt. No. 223) to Judge Payne's Order (Dkt. No. 209) denying-in-part Google's *Daubert* Motion to Exclude Certain Opinions by Plaintiffs' Damages Expert Walter Bratic (Dkt. No. 151). Upon de novo review, the Court finds that Judge Payne's Order is not clearly erroneous or contrary to law. *See* Fed. R. Civ. P. 72(a). Accordingly, Google's Objections (Dkt. No. 223) are **OVERRULED**.

So ORDERED and SIGNED this 19th day of January, 2017.



RODNEY GILSTRAP
UNITED STATES DISTRICT JUDGE